

MT LEGISLATIVE HISTORY

Chapter 466 1981

Bill H (S) 305 Original bill & hist. C

H. Committee on Legislative Administration S. Committee on Judiciary

Hearing Date(s) <u>Mar 05</u>	<u>✓</u> C	Hearing Date(s) <u>Feb 06</u>	<u>✓</u> C
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Date Out Mar 05 ✓ C Feb 06 ✓ C

Did this bill originate in an interim committee? Yes No

Committee

Report

FORTY-SEVENTH LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

<u>SENATE</u> BILL NO.	<u>ENTERED</u> COMM.	<u>DATE</u> CONSIDERED	<u>OUT OF</u> COMM.	<u>DO PASS</u> DATE	<u>DO NOT</u> PASS DATE	<u>DO PASS</u> AS AMEND. DATE	<u>BE CON-</u> CURRED IN DATE	<u>BE CONC. IN</u> AS AMENDED DATE	<u>BE NOT CON-</u> CURRED IN DATE
SB 246	1/23/81	2/16/81	2/20/81			2/20/81			
SB 253	1/23/81	2/16/81	2/20/81			2/20/81			
SB 265	1/26/81	2/12/81	2/14/81			2/14/81			
SB 267	1/26/81	2/13/81	2/14/81			2/14/81			
SB 268	1/26/81	2/12/81	2/12/81			2/12/81			
SB 272	1/26/81	2/13/81	2/20/81			2/20/81			
SB 277	1/26/81	2/16/81	2/18/81			2/18/81			
SB 286	1/26/81	1/30/81	2/05/81			2/05/81			
SB 287	1/26/81	2/12/81	2/19/81			2/19/81			
SB 288	1/27/81	2/03/81	2/18/81	2/18/81					
SB 289	1/27/81	2/17/81	2/19/81			2/19/81			
SB 290	1/27/81	2/17/81	2/18/81	2/18/81					
SB 305	1/28/81	2/06/81	2/06/81	2/06/81					
SB 306	1/28/81	2/06/81	2/06/81	2/06/81					
SB 308	1/28/81	2/06/81	2/06/81	2/06/81					
SB 309	1/28/81	2/09/81	2/11/81			2/11/81			

Use a separate sheet for Senate, House Bills, and Resolutions.

STANDARDS FOR AWARDING COSTS TO A
PARTY PREVAILING AGAINST THE STATE.

Senator Kolstad, District 5, presented the bill as its sponsor. He referred to it as the "equal access to justice" bill, and stated that the intent is to encourage businesses and individuals to challenge actions by state and local government agencies.

Janelle Fallan, representing the Montana Chamber of Commerce, read from a letter written by the Helena Area Chamber of Commerce, in favor of the bill (marked Exhibit A and attached to these minutes).

Also speaking in favor of the bill were Larry Huss, attorney for many Helena businesses; Chet Dreher, who told of his personal frustration in dealing with governmental agencies; Dave Goss, of the Billings Chamber of Commerce, who said that he would be getting a letter to the committee in the near future; Ed Nurse, Helena businessman; John Braunbeck, of Energy Services Company; Senator Crippen, Billings; and Scott Currey, of the Montana Association of Realtors.

Speaking in opposition to the bill were Mike Young, of the State Department of Administration, and Mike McGrath, of the Attorney General's office, both of whom felt that the problems addressed in the bill were adequately covered by existing legislation recently enacted, which should be given additional time to be implemented.

Senator Mazurek raised the question that this bill might change the tort standards, and for that reason the committee might want to put in an amendment. Also discussed for purpose of amendment of the bill were the distinction between costs and attorney's fees and a requirement that an agency pay an award out of its current budget.

CONSIDERATION OF SENATE BILL 305:

AMENDING 1-2-201 TO CHANGE THE AUTOMATIC
EFFECTIVE DATE OF NONAPPROPRIATION
STATUTES TO OCTOBER 1.

Senator Stevens, District 4, representing the Rules Committee, presented the bill, which was a product of the Legislative Improvement Committee. The problem which prompted this bill exists because the Legislative Council does not get to start work on codifying legislation into the state Code until late in May. An effective date of July 1, therefore, does not give adequate time for this chore to be completed. Therefore, the new laws are not available to the State Bar until after they have already been in effect for several months.

Speaking in support of the bill were J. C. Weingartner, on behalf of the State Bar Association; Tom Honsel, representing the County Attorneys Association; and Mike McGrath, speaking for the Attorney General's office.

DISPOSITION OF SENATE BILL 305:

Senator Berg recommended that the bill DO PASS, and his motion carried unanimously.

DISPOSITION OF SENATE BILL 306:

Senator B. Brown moved that the bill DO PASS, and his motion carried unanimously.

DISPOSITION OF SENATE BILL 308:

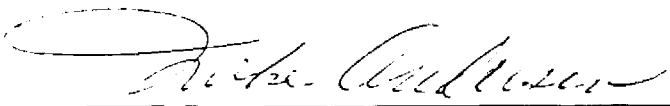
Senator Olson moved that the bill DO PASS, and his motion carried unanimously.

FURTHER CONSIDERATION OF SENATE BILL 222:

David Niss agreed to write an amendment and rework some of the language of the bill.

DISPOSITION OF SENATE BILL 182:

At Senator B. Brown's request David Niss presented amendments as shown on the attached Committee Report. Senator B. Brown moved that the amendments be adopted, and his motion carried unanimously. Senator Anderson moved that the bill be further amended on page 1, line 14, by inserting ", at the choice of the condemned person, either" after "inflicted"; and on page 1, following line 14, the words "hanging or by". In a roll call vote this motion failed five to four. Senator B. Brown moved that the bill DO PASS AS AMENDED, and his motion passed six to three.



Senator Anderson
Chairman, Judiciary Committee

STANDING COMMITTEE REPORT

February 6, 1951

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 305

Respectfully report as follows: That SENATE Bill No. 305

DO PASS

R. M.

Mike Anderson

MARCH 5, 1961

LEGISLATIVE ADMINISTRATION COMMITTEE

A meeting of the House Legislative Administration Committee was called to order by Chairman Bobby Spilker.

All members of the committee were present. Also in attendance were Senator Jean Turnage, Senator Steve Brown, and J.C. Weingartner who is a lobbyist for the Montana Bar Association.

Senator Steve Brown presented Senate Bill No. 264 and its proposed amendments to the committee for concurrence. This would provide for two additional trips to legislators place of residence upon submittal of appropriate claims for each trip. They now have automatic reimbursement for two round trips.

Senator Jean Turnage presented Senate Bill No. 305 for Senator Stan Stephens who was not present. It would set up the effective date of nonappropriations statutes from July 1 to October 1. J.C. Weingartner urged the committee to support this bill because the new codes are not printed by July 1st and the legal profession does not like trying to practice law without knowing what the new law is.

A motion was made by Representative Kanduch that Senate Bill No. 305 be concurred in. Passed unanimously.

Representative Meyer made a motion that amendments be added to Senate Bill No. 264. Passed unanimously.

Representative Kanduch made a motion that Senate Bill No. 264 be concurred in as amended. Passed unanimously.

Chairman Spilker briefly discussed Senate Joint Resolution No. 21 which has been assigned to the House Legislative Administration Committee. Speaker Marks suggested that the resolution be discussed by a joint committee.

Another meeting was scheduled for Tuesday, March 10th at 2:00. A notice will be sent.

The meeting was adjourned.

Secretary

Chairman, Bobby Spilker

STANDING COMMITTEE REPORT

MARCH 5

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MR. **SPEAKER**

LEGISLATIVE ADMINISTRATION

We, your committee on

having had under consideration

SENATE

Bill No. **305**

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE AUTOMATIC EFFECTIVE DATE OF NONAPPROPRIATIONS STATUTES FROM JULY 1 TO OCTOBER 1; AMENDING SECTION 1-2-201, MCA."

Respectfully report as follows: That

SENATE

Bill No. **305**

DO PASS TO BE CONCURRED IN

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Amended BILL NO. *305*
INTRODUCED BY SENATE RULES COMMITTEE
BY REQUEST OF THE LEGISLATIVE IMPROVEMENT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE AUTOMATIC
EFFECTIVE DATE OF NONAPPROPRIATIONS STATUTES FROM JULY 1 TO
OCTOBER 1; AMENDING SECTION 1-2-201, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 1-2-201, MCA, is amended to read:

"1-2-201. Statutes -- effective date. (1) Every
statute, ~~unless a different time is prescribed therein~~
~~except those that provide for appropriation by the~~
~~legislature of public funds for a public purpose,~~ takes
effect on the first day of ~~July~~ October following its
passage and approval ~~unless a different time is prescribed~~
~~therein. Every statute providing for appropriation as~~
~~specified in this subsection takes effect on the first day~~
~~of July following its passage and approval unless a~~
~~different time is prescribed therein.~~

(2) "Passage", as used in subsection (1), means the
enactment into law of a bill which has passed the
legislature either with or without the approval of the
governor, as provided in the constitution."

Section 2. Effective date. This act is effective upon

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passage and approval.

-End-